



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,419	01/18/2002	Tara Kimbrell Cole	GTF-1	5334
20311 7590 04/02/2008 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER WEIS, SAMUEL				
ART UNIT		PAPER NUMBER		
3693				
MAIL DATE		DELIVERY MODE		
04/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/052,419

**Applicant(s)**

COLE, TARA KIMBRELL

**Examiner**

SAMUEL S. WEIS

**Art Unit**

3693

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### DETAILED ACTION

1. This is in response to the Applicant's amendment of December 31, 2007. No claims have been amended. The Examiner hereby withdraws the rejection of November 11, 2007. Claims 1-9 have been examined.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tozzoli et al., U.S. Pat. No. 5,717,989 (hereinafter, Tozzoli), in view of Cornelius et al., U.S. Pat. No. 6,629,081 (hereinafter, Cornelius), in view of Forfating: What Finance and Accounting Managers Should Know, by Kendall P. Hill and Murat N. Tanju (hereinafter, Hill).

As to claim 1, Tozzoli discloses a method of operating a computerized exchange (abstract), comprising:  
providing a counter party selection document on request to a seller or buyer to view, where the document contains a list of classes of counter parties together with counter party selection entry facilities (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);  
permitting a seller to identify classes of buyers with whom they will, or will not, develop a transaction, by entering selections on the counter party selection document using the counter party selection entry facilities (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

Art Unit: 3693

providing an offer document on request to a seller to view, where the offer document contains the following items: a list of classes of asset together with asset selection entry facilities and asset information entry facilities for entry of details of the asset (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

a list of terms for the offer together with offer selection entry facilities and information entry facilities for entry of details of the offer (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

a list of offer documents to accompany the elect together with offer document selection entry facilities and offer document attachment facilities for attaching copies of offer documents (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

a list of undertakings for the seller to make together with undertaking selection entry facilities and undertaking document attachment facilities for attaching copies of undertaking documents (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

permitting the seller to create an instance of the offer document (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

identifying the asset to be offered by using the asset selection entry facilities and asset information entry facilities (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

identifying the terms for the offer by using the offer selection entry facilities and offer information entry facilities (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

identifying the offer documents to accompany the offer by using the offer document selection entry, facilities and offer document attachment facilities (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

Art Unit: 3693

identifying the undertakings to be made by using the undertaking selection entry facilities and undertaking document attachment facilities (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

permitting the seller to submit an instance of the offer document, so that it becomes available to view by potential buyer from only the classes of buyers identified as being those whom the seller will develop the transaction (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

providing a counter offer document on request to a buyer after they have viewed an offer document, where the counter offer document contains counter offer selection and counter offer information entry facilities for entry of variations to an offer document instance (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

permitting the buyer to create an instance of the counter offer document by entering selections and information using the counter offer selection and information entry facilities, and to submit the counter offer instance, so that it becomes available to the seller (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

providing a counter offer document on request to any party after they have viewed an instance of a counter offer document, where the counter offer document contains counter offer selection and information entry facilities for entry of variations (col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

permitting the party to create an instance of the counter offer document by entering selections and information using the counter offer selection and information entry facilities, and to submit the counter offer instance, so that it becomes available to the counter party (col. 6, line 45 – col. 8, line 67 and Figs. 1-5).

Tozzoli does not explicitly disclose providing a web site accessible via the internet to sellers and buyers using computers and forfaiting. Tozzoli does disclose a trade system that receives inputs from buyers and sellers and third parties (financial institutions, insurers, carriers) utilizing a central computing facility, telecommunication circuits, and third party networks (See col. line 4, line 50 - col. 5, line 10)

However, Cornelius teaches a system, method, and article of manufacture for account settlement and financing in an e-commerce environment. Cornelius' system includes VT Enterprise which provides a one-stop trade finance service via the Internet (col. 8, lines 14-19 and Figs. 1-15). VT Enterprise is a web based computerized exchange that allows buyers and sellers to easily transact their goods electronically over the Internet. Though Cornelius does not explicitly describe the forfaiting process, Cornelius details the advantages of his system for importers and exporters in columns 8-12. It would have been obvious to one skilled in the art at the time of the Applicant's invention combine Cornelius within Tozzoli for the motivation of buying and selling goods and services over the internet to increase efficiency.

However, Hill describes that forfaiting has been around Europe since 1945, and began being popular with importers and exporters in the United States in the early 1990s (p. 53). Hill details the basics of the forfaiting, how it works, advantages of forfaiting, and accounting implications. It would have been obvious to one skilled in the art at the time of the Applicant's invention to utilize the combined invention of Tozzoli and Cornelius for forfaiting transactions to take advantage of economic opportunities.

As to claims 2-7, the Examiner takes Official Notice that the following limitations are old and well known in the trading arts:

further step of repeating the last two steps, where the document available at the web site contain electronic links to independent sources of financial information, where the document available at the web site contains electronic links to standardized forms of documents, such as asset definition documents used to support instances of the offer document, where the document available at the website contains electronic links to standardized forms of undertaking documents, further step of the exchange providing the on-line assistance in completing the process, and further step of the exchange providing an asset screening document for use by potential buyers to select the types of asset they wish to view, and not view. Financial websites normally have links with information, standard forms, directions, as well as provide on-line help to customers.

As to claim 8, Tozzoli discloses a computerized exchange (abstract) comprising: a counter party selection document, where the document contains a list of classes of counter parties together with counter party selection entry facilities (col. line 4, line 50 - col. 5, line 10, col. 6, line 45 – col. 8, line 67 and Figs. 1-5); an offer document, where the offer document contains the following items (col. line 4, line 50 - col. 5, line 10, col. 6, line 45 – col. 8, line 67 and Figs. 1-5): a list of classes of asset together with asset entry facilities and asset information entry facilities for entry of details of the asset (col. line 4, line 50 - col. 5, line 10, col. 6, line 45 – col. 8, line 67 and Figs. 1-5); a list of terms for the offer together with offer selection entry facilities and offer information entry facilities for entry of details of the offer, a list of offer documents to accompany the offer together with offer document selection entry facilities and other

Art Unit: 3693

document attachment facilities for attaching copies of offer document (col. line 4, line 50

- col. 5, line 10, col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

a list of undertakings for the seller to make together with undertaking selection entry

facilities and undertaking document attachment facilities for attaching copies of

undertaking documents (col. line 4, line 50 - col. 5, line 10, col. 6, line 45 – col. 8, line

67 and Figs. 1-5);

a counter offer document containing counter offer selection and information entry

facilities (col. line 4, line 50 - col. 5, line 10, col. 6, line 45 – col. 8, line 67 and Figs. 1-

5);

a processor operable on request to retrieve a document (col. line 4, line 50 - col. 5, line

10, col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

the processor being further operable on request either to permit the entry of selections

and information to create instances of documents on-line (col. line 4, line 50 - col. 5,

line 10, col. 6, line 45 – col. 8, line 67 and Figs. 1-5);

the processor being further operable to permit viewing of instances of offer documents

by potential buyers, depending upon the selections and entries made by the seller in

counter party selection document (col. line 4, line 50 - col. 5, line 10, col. 6, line 45 –

col. 8, line 67 and Figs. 1-5).

Tozzoli does not explicitly disclose providing a web site accessible via the internet to sellers and buyers using computers and forfating.

However, Cornelius teaches a system, method, and article of manufacture for account settlement and financing in an e-commerce environment. Cornelius' system includes VT Enterprise which provides a one-stop trade finance service via the Internet



Art Unit: 3693

(col. 8, lines 14-19 and Figs. 1-15). VT Enterprise is a web based computerized exchange that allows buyers and sellers to easily transact their goods electronically over the Internet. It would have been obvious to one skilled in the art at the time of the Applicant's invention combine Cornelius within Tozzoli for the motivation of buying and selling goods and services over the internet to increase efficiency.

However, Hill describes that forfaiting has been around Europe since 1945, and began being popular with importers and exporters in the United States in the early 1990s (p. 53). Hill details the basics of the forfaiting, how it works, advantages of forfaiting, and accounting implications. It would have been obvious to one skilled in the art at the time of the Applicant's invention to utilize the combined invention of Tozzoli and Cornelius for forfaiting transactions to take advantage of economic opportunities.

As to claim 9, the Examiner takes Official Notice that a printing facility is old and well known in the trading arts.

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel S. Weis whose telephone number is (571) 272-1882. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

Art Unit: 3693

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stefanos Karmis/

Primary Examiner, Art Unit 3693